

12/10/07

E-19J

Peter Garcia
Federal Highway Administration
567 D'Onofrio Drive
Madison, Wisconsin 53719-2814

Re: Comments on the Tier 1 Final Environmental Impact Statement (FEIS) for the U.S. Highway 8 Project, from Wisconsin Route 35(N) to U.S. Highway 53, Polk and Barron Counties, Wisconsin, EIS No. 20070466

Dear Mr. Garcia:

In accordance with the U.S. Environmental Protection Agency's (U.S. EPA's) responsibilities under both the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed the Tier 1 Final Environmental Impact Statement (FEIS) for the proposal to provide transportation improvements on U.S. Highway 8.

The Wisconsin Department of Transportation (WisDOT) and the Federal Highway Administration (FHWA) initiated this study in 2003. U.S. EPA has agreed to participate in the project as it proceeds. The goal of the Tier 1 process is to gain consensus on the general location and design vision for the overall corridor for U.S. Highway 8 from Wisconsin Route 35(N) to U.S. Highway 53. WisDOT and FHWA anticipate that two additional levels (tiers) of analysis will be required in the future. A Tier 2 analysis would be conducted when the agencies are prepared to officially designate and map the corridor. A Tier 3 analysis would be conducted when the agencies are evaluating corridor designs. Tier 2 and 3 evaluations will be either Environmental Impact Statements (EISs) or Environmental Assessments (EAs) depending on the segment and the associated impacts.

U.S. EPA provided comments on the Draft EIS for this project on August 23, 2006. In that letter, EPA expressed concerns with the crash data used to justify the purpose and need; the rationale used for eliminating passing lanes from consideration; wetland impacts and compensation; impacts to environmentally sensitive streams and waterbodies, as well as impaired waters; upland forest impacts; and indirect effects. The information provided in this FEIS addresses our concerns in a manner that is appropriate for this level of analysis.

The alternatives evaluated four-lane alternatives on various alignments. For analysis purposes, the four-lane alternatives used were 400-feet wide for the on-alignment and realignment corridors; 600-feet wide for bypass corridors; and 120-feet wide and 100-feet wide through-town corridors for the Village of Turtle Lake and the City of Barron, respectively. The corridor was divided into seven segments. The FEIS identified the preferred alternative as a four-lane

roadway corridor that is a combination of the preferred alternatives for the seven segments. Three of the segments are on realignment, two follow the existing roadway and one is a bypass. A decision for the preferred alternative for the Turtle Lake segment has been deferred until the Tier 2 analysis.

Based on the information presented in the FEIS, we concur with the preferred alternative identified by WisDOT and FHWA. We provide our concurrence because the evaluation included options to stay on the existing alignment where possible as demonstrated by the decision by WisDOT and FHWA to name the on-alignment alternatives as preferred for two segments. When realignments were considered, they were done so for good reasons, such as providing more buffer space between the highway and Deer Lake (segment I) or avoiding crossing Twin Lakes (segment III). A bypass is preferred for Barron (segment VII) because of the need to avoid a large number of relocations on the existing roadway. The FEIS identified the through-town alternative as the preferred alternative for the Turtle Lake segment, but states that the decision on the selected alternative will wait until Tier 2. We support the through-town alternative as the preferred alternative but we understand more evaluation may be needed before a selection can be made for that segment.

Because of the amount of likely wetland impacts, we request that we be included in agency consultation on segments I (Deer Lake segment), V (Turtle Lake), and VII (Barron bypass). We consider the amount of wetlands potentially impacted with each of these segments (~ 40 – 50 acres) to be potentially significant. This fact, together with the large number of river crossings, makes these three segments good candidates for detailed environmental studies such as an environmental impact statement. Regardless of what type of NEPA analysis is undertaken, we would like to be involved in Tier 2 and Tier 3 studies for these segments.

This Tier 1 study provides very effective tool for planning purposes. The information presented shows that there are many valuable aquatic resources in the project corridor areas that will be influenced by this project. This project presents an opportunity to minimize adverse effects from the highway and possibly enhance the quality of aquatic resources. As other tiered studies progress, we encourage WisDOT and FHWA to evaluate options to avoid wetlands, especially those associated with rivers and streams.

If you have any questions or comments, please feel free to contact Sherry Kamke, for NEPA-related issues, at (312) 353-5794, or Cathy Garra, for wetland-related issues, at (312) 886-0241.

Sincerely,

/s/ by Al Fenedick for

Kenneth A. Westlake, Supervisor
NEPA Implementation
Office of Enforcement and Compliance Assurance

cc: Dena Grumdahl, WisDOT

Robert Whiting, ACE - St. Paul District
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William Clark, Wisconsin DNR - Northern Region Headquarters